

ORDINANCE NO. 86-5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE 73-2, AS AMENDED, SECTIONS 500.21.L, 500.22.L, AND 500.22.M IN ORDER TO CLARIFY THE INTENT OF PERMITTING COMMERCIAL DEVELOPMENT WITHIN PLANNED UNIT DEVELOPMENTS AND PLANNED MOBILE HOME PARKS BY CHANGING THE METHOD OF CALCULATING THE AMOUNT OF LAND WHICH MAY BE USED FOR COMMERCIAL USES; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government), Section 125.01 of Florida Statutes establish the right and power of counties to provide for the health, welfare, and safety of existing and future residents by enacting and enforcing zoning and business regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act) of Florida Statutes provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan, as provided in Section 163.3202(2)(f) of Florida Statutes; and

WHEREAS, the Palm Beach County Zoning Code provides that commercial land uses may be permitted within planned developments based upon the assumption that conveniently located commercial facilities are consistent with the general goals of planned developments to provide a "more complete living experience through the application of enlightened and imaginative community planning and shelter design" (Sections 500.21.A, 500.22.A, and 500.24.A); and

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1 WHEREAS, in the case of planned unit developments, the
2 Zoning Code further requires that "[t]hose dedicated commercial
3 areas within the the interior of the project shall be designated
4 for the convenience of the project residents" (Section
5 500.21.M.1.h, emphasis added); and

6 WHEREAS, the intent of the Zoning Code to restrict
7 commercial uses within planned unit developments to those that
8 benefit residents is also implicit in the requirement that
9 "[a]ccess to commercial facilities shall be from an arterial or
10 collector which is part of the interior circulation system within
11 the Planned Unit Development. No commercial facility shall
12 maintain frontage or direct physical access on any arterial or
13 collector bordering or traversing the Planned Unit Development
14 tract" (Section 500.21.M.2.g, emphasis added); and

15 WHEREAS, it is the intent of the Board of County
16 Commissioners that the same logic should be applied to the
17 establishment of permitted commercial areas within planned mobile
18 home parks; and

19
20 WHEREAS, despite these clear statements of intent to limit
21 commercial areas within planned developments to uses which serve
22 the needs of residents rather than the needs of the public-at-
23 large, commercial areas have been established in certain planned
24 developments which are primarily intended to serve a larger
25 regional market, particularly through the construction of large
26 shopping centers containing grocery stores, department stores,
27 and similar commercial development which cannot be economically
28 supported primarily by residents of the planned development; and

29
30 WHEREAS, commercial uses designed to serve the needs of a
31 region or of the community at large are intended by the
32 Comprehensive Plan and the Zoning Code to be located in a General
33 Commercial (CG) Zone; and

34
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1
2 WHEREAS, the construction of community or regional
3 commercial centers within planned developments has undermined the
4 intent of the Comprehensive Plan of Palm Beach County to direct
5 such commercial development to areas of commercial potential, and
6 to limit commercial areas within a planned development to
7 "accessory" neighborhood-oriented uses (Comprehensive Plan, Page
8 5, Column 1); and
9

10
11 WHEREAS, the construction of regional or community level
12 shopping centers within planned unit developments has also upset
13 the intent of the Comprehensive Plan by generating an excessive
14 inventory of unbuilt commercial development in certain areas of
15 Palm Beach County, thereby making it necessary to limit the
16 approval of new, more timely, and better located commercial
17 development; and
18

19 WHEREAS, the principal source of the problem of excess
20 commercial development is the formula in the Zoning Code that
21 calculates the amount of commercial land based upon a percentage
22 of the gross area of the planned development, rather than upon
23 its residential density; and
24

25 WHEREAS, the problem can be effectively addressed by
26 changing the formula to one based upon the residential density of
27 the planned development; and
28

29
30 WHEREAS, the Board of County Commissioners of Palm Beach
31 County, Florida, sitting as the Local Planning Agency, has
32 determined that these proposed amendments to the Palm Beach
33 County Zoning Code are consistent with the adopted Comprehensive
34 Plan of Palm Beach County, as required by Chapter 163, Section
163.3194(2)(a) of Florida Statutes;
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1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

3
4 SECTION 1. The Palm Beach County Zoning Code (Ordinance
5 73-2, as amended), Section 500.21 (Planned Unit Development),
6 Subsection L.1 (Property Development Regulations for Planned Unit
7 Developments-Commercial Use; Lot Area and Dimensions), is hereby
8 amended to delete the reference to "Maximum Area", as follows:

9
10 L. PROPERTY DEVELOPMENT REGULATIONS FOR PLANNED UNIT
11 DEVELOPMENTS-COMMERCIAL USE.

12
13 1. Lot Area and Dimensions.

14	Minimum Area	One (1) acre
15	Maximum Area	Two (2) percent of the 16 total gross area of the PUD
17	Width	200 feet
18	Depth	200 feet
19	Frontage	200 feet

20 SECTION 2. The Palm Beach County Zoning Code (Ordinance
21 73-2, as amended), Section 500.21 (Planned Unit Development),
22 Subsection L (Property Development Regulations for Planned Unit
23 Developments-Commercial Use), Subsection 5 is hereby amended as
24 follows:

25 5. Calculating the Maximum Total Acreage of
26 Commercial Development Permitted in a Planned Unit
27 Development.

28 a. Legislative Intent.

29 It is the intent of the Board of County
30 Commissioners to recognize the special nature of
31 planned unit developments by establishing an
32 opportunity for a limited amount of neighborhood-
33 oriented commercial development to be constructed
34 within a well-planned residential environment.

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zc521L.ord 4 AMENDED FEBRUARY 5, 1986

Commercial uses are not to be considered an entitlement within a planned unit development. The Board of County Commissioners may approve a commercial area as part of a special exception if inclusion of a commercial area satisfies the intent of Section 500.21. The formulas indicated below which set maximum total acreage are intended only to establish thresholds for review of proposals to establish commercial areas within a unique form of planned development. They are not intended to nor shall they be interpreted to establish standards for review of proposals to establish a conventional Neighborhood Commercial (CN) Zone. Standards for Neighborhood Commercial Zones are established in the Comprehensive Plan, in Section 609 (Neighborhood Commercial District), and elsewhere in this Code.

b. Maximum Total Acreage of a Commercial Tract Within a Planned Unit Development.

Subject to the limitations of this Subsection, the Board of County Commissioners may specifically permit the establishment of a commercial tract within a planned unit development. Commercial tracts, and the mix of land uses therein, shall be designed to serve the convenience of residents. The maximum total acreage of all commercial tracts shall not exceed the levels indicated in the following table. The number of approved dwelling units for the planned unit development shall be determined by reference to its current approved Master Land Use Plan:

TOTAL NUMBER OF
APPROVED DWELLING UNITS
SHOWN ON
MASTER LAND USE PLAN

MAXIMUM TOTAL
ACREAGE OF
COMMERCIAL TRACT

Less than 150	0
151 to 500	One (1) acre
501 to 1000	Two (2) acres
More than 1000 units	Three (3) acres

c. Maximum Total Floor Area of Commercial Uses
Contained Within a Multi-Family Residential
Structure Located in a Residential Tract of a
Planned Unit Development.

Subject to the limitations of this Subsection, the
Board of County Commissioners may specifically
permit the establishment of certain limited
commercial land uses within a multiple family
residential building in a residential tract of a
planned unit development. The total floor area of
such commercial uses shall not exceed ten (10)
percent of the total floor area of the residential
building. The area of vehicular use areas shall
not be considered in calculating total floor area.
Commercial uses permitted in the residential
building shall be intended to serve the residents
of the planned unit development, and shall be
limited to such uses as restaurants,
delicatessens, and personal services such as
beauty shops, barber shops, drug stores, and
medical offices.

Limited to a total floor area not to exceed ten
(10) percent of the gross residential floor area
contained therein, exclusive of vehicular parking
and service areas, and limited to such areas as
restaurants, delicatessens, and such personal
services as beauty shops, barber shops, drug
stores, and professional offices.

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SECTION 3. Palm Beach County Zoning Code (Ordinance 73-2, as amended), Section 500.22 (Mobile Home Rental Parks (MHRP)), Subsection L.1 (Property Development Regulations for MHRP Developments-Commercial Uses; Lot Area and Minimum Dimensions), is hereby amended to delete the reference to "Maximum Area", as follows:

L. PROPERTY DEVELOPMENT REGULATIONS FOR MHRP DEVELOPMENTS-COMMERCIAL USE.

1. Lot Area and Dimensions.

Minimum Area	One (1) acre
Maximum Area	Two (2) percent of the total gross area of the PUD
Width	200 feet
Depth	200 feet
Frontage	200 feet

SECTION 4. Palm Beach County Zoning Code (Ordinance 73-2, as amended), Section 500.22 (Mobile Home Rental Parks), Subsection L (Property Development Regulations for MHRP Developments-Commercial Uses), is hereby amended to add a new Subsection 6, as follows:

6. Calculating the Maximum Total Acreage of a Commercial Tract Permitted in a Mobile Home Rental Park (MHRP).

a. Legislative Intent.

It is the intent of the Board of County Commissioners to recognize the special nature of planned unit developments by establishing an opportunity for a limited amount of neighborhood-oriented commercial development to be constructed within a well-planned residential environment. Commercial uses are not to be considered an entitlement within a mobile home rental or condominium park. The Board of County

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Commissioners may approve a commercial tract as part of a special exception if inclusion of a commercial tract satisfies the intent of Section 500.22. The formulas indicated below which set maximum total acreage are intended only to establish thresholds for review of proposals to establish commercial tracts within a unique form of planned development. They are not intended to be nor shall they be interpreted to create new standards for review of proposals to establish a conventional Neighborhood Commercial (CN) Zone. Standards for Neighborhood Commercial Zones are established in the Comprehensive Plan, in Section 609 (Neighborhood Commercial District), and elsewhere in this Code.

b. Maximum Total Acreage of a Commercial Tract Within a Mobile Home Rental Park. Commercial tracts, and the mix of land uses therein, permitted within a mobile home rental park development shall be designed to serve the convenience of residents. The maximum total acreage of all commercial tracts shall not exceed the levels indicated in the following table. The approved number of dwelling units of the mobile home rental park shall be determined by reference to its current approved Master Land Use Plan:

TOTAL NUMBER OF APPROVED DWELLING UNITS SHOWN ON MASTER LAND USE PLAN	MAXIMUM TOTAL ACREAGE OF COMMERCIAL TRACT
Less than 150	0
151 to 500	One (1) acre
501 to 1000	Two (2) acres
More than 1000	Three (3) acres

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1 SECTION 5. The Palm Beach County Zoning Code, Ordinance
2 73-2 (as amended), Section 500.21 (Planned Unit Development),
3 Subsection M.2.g (Design Criteria; Access and Circulation) is
4 hereby amended as follows:

5
6 g. Commercial tracts shall be located in the interior of a
7 planned unit development. Access to commercial tracts
8 facilities shall be from an arterial or collector street
9 which is part of the interior circulation system within the
10 Planned Unit Development. No commercial tract facility
11 shall maintain frontage or direct physical access on any
12 arterial or collector bordering or traversing the Planned
13 Unit Development tract.

14
15 SECTION 6. Palm Beach County Zoning Code (Ordinance 73-
16 2, as amended), Section 500.22 (Mobile Home Rental Parks [MHRP],
17 Subsection M.1 (Design Criteria; General Objectives), is hereby
18 amended to add a new Paragraph h and to redesignate existing
19 Paragraph h, as follows:

20
21 h. Those designated commercial areas within the
22 interior of the project shall be designated for
23 the convenience of the project residents.

24
25 i. h- See Section 500.29 for additional Design
26 Criteria pertaining to required improvements.

27
28 SECTION 7. The Palm Beach County Zoning Code (Ordinance
29 73-2), as amended, Section 500.22 (Mobile Home Rental Parks),
30 Subsection M.2.g (Design Criteria; Access and Circulation) is
31 hereby amended as follows:

32
33 g. Commercial tracts shall be located in the interior of a
34 mobile home rental park. Access to commercial tracts

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1 facilities shall be from an arterial or collector street
2 which is part of the interior circulation system within the
3 MHRP development. No commercial tract facility shall
4 maintain frontage or direct physical access on any arterial
5 or collector bordering or traversing the Planned Unit
6 Development tract.

7 SECTION 8. CAPTIONS.

8 The captions, section headings, and section designations
9 used in this Code are intended for convenience of users only and
10 shall have no effect on the interpretation of the provisions of
11 this Ordinance.

12
13 SECTION 9. REPEAL OF LAWS IN CONFLICT.

14 All local laws and ordinances applying to Palm Beach County
15 in conflict with any provisions of this ordinance are hereby
16 repealed.

17
18 SECTION 10. SEVERABILITY.

19 Should any section, paragraph, sentence, clause, or word of
20 this ordinance be held to be unconstitutional, inoperative, or
21 void, such holding shall not affect the validity of the remainder
22 of this ordinance.

23
24 SECTION 11. INCLUSION IN CODE.

25 The provisions of this ordinance shall become and be made a
26 part of the Code of Laws and Ordinances of Palm Beach County,
27 Florida, and the various sections may be retitled, renumbered, or
28 relettered to accomplish this purpose.

29
30 SECTION 12. EFFECTIVE DATE.

31 The provisions of this ordinance shall become effective upon
32 receipt of acknowledgment by the Department of State of the State
33 of Florida.

1
2 APPROVED AND ADOPTED by the Board of County Commissioners of
3 Palm Beach County, Florida, on this 25th day of February,
4 1986.

5 PALM BEACH COUNTY, FLORIDA, BY ITS
6 BOARD OF COUNTY COMMISSIONERS:

7
8 By: [Signature]
9 Chairman

10 Acknowledged by the Department of State of the State of
11 Florida, on this, the 6th day of March, 1986.

12 EFFECTIVE DATE: Acknowledgment received from the Department
13 of State of the State of Florida, this 10th day of March,
14 1986, at 1:06 P.M., and filed in the Office of the Clerk of
15 the Board of County Commissioners of Palm Beach County, Florida.

16 APPROVED AS TO FORM
17 AND LEGAL SUFFICIENCY:

18 By: [Signature]
19 County Attorney

20 STATE OF FLORIDA, COUNTY OF PALM BEACH
21 I, JOHN B. DUNKLE, ex-officio Clerk of the
22 Board of County Commissioners certify this to
23 be a true and correct copy of the original filed in
24 my office on 2/25/86
25 DATED at West Palm Beach, FL on 3/11/86
26 JOHN B. DUNKLE, Clerk
27 By: [Signature] D.C.
28 Deputy Clerk
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